

ENTERED

February 09, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

V.

RYAN CALVIN STEWART

§
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§
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§

CRIMINAL NO. 18-CR-039

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts are established by a preponderance of the evidence or clear and convincing evidence and require the detention of the above-named defendant pending trial in this case.

Findings of Fact

[] A. Findings of Fact [18 U.S.C. § 3142(e), § 3142(f)(1)].

[] (1) The defendant has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is

[] a crime of violence as defined in 18 U.S.C. § 3156(a)(4).

[] an offense for which the maximum sentence is life imprisonment or death.

[] an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. () § 801 et seq. () § 951 et seq. () § 955(a).

[] a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1) (A)-(C), or comparable state or local offenses.

[] (2) The offense described in finding 1 was committed while the defendant was on release pending trial for a federal, state or local offense.

[] (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding 1.

[] (4) Findings Nos. 1, 2, and 3 establish a rebuttable presumption that no condition or

combination of conditions will reasonably assure the safety of any other person and the community. I further find that the defendant has not rebutted this presumption.

[X] B. Findings of Fact [18 U.S.C. § 3142(e)]

[X] (1) There is probable cause to believe that the defendant has committed an offense

[] for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C.

() § 801 et seq. () § 951 et seq. () § 955(a).

[] under 18 U.S.C. § 924(c).

[X] involving a minor victim under 18 U.S.C. § 2252A(a)(2).

[] (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

[X] C. Findings of Fact [18 U.S.C. § 3142(f)(2)]

[X] (1) Defendant is accused of being in possession of a firearm and ammunition in violation of 18 U.S.C. § 922.

[X] (2) Defendant is accused of child sex trafficking in violation of 18 U.S.C. § 1591.

[X] (3) There is a serious risk that the defendant will flee.

[X] (4) Defendant represents a danger to the community.

[] (5) There is a serious risk that the defendant will (obstruct or attempt to obstruct justice) (threaten, injure, or intimidate a prospective witness or juror, or attempt to do so).

[X] D. Findings of Fact [18 U.S.C. § 3142(c)]

[] (1) As a condition of release of the defendant, bond was set as follows:

[] (2)

[X] (3) I find that there is no condition or combination of conditions set forth in 18 U.S.C. § 3142(c) which will reasonably assure the appearance of the defendant as required.

[X] (4) I find that there is no condition or combination of conditions set forth in

18 U.S.C. § 3142(c) which will reasonably assure the safety of any other person or the community.

Written Statement of Reasons for Detention

I find that the accusations in the criminal complaint, the information submitted in the Pretrial Services Agency report, and evidence at the detention hearing establish by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and by clear and convincing evidence that no conditions will assure the safety of the community.

I conclude that the following factors specified in 18 U.S.C. § 3142(g) are present and are to be taken into account:

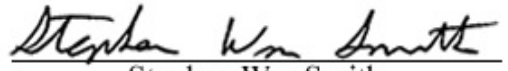
1. Defendant is a 28-year old United States citizen born in Atlanta, Georgia. He later moved to California at the age of 13. He established residence in Houston, TX in or about 2014. He is the only child born to his mother and father, and resides with his mother. Defendant talks with his father every other day, and talks with his paternal sister weekly. Defendant has never been married, and has never fathered children.
2. Defendant reports recent employment at Local 669 Union. He worked there from January 2017 to January 2018. In 2014, defendant worked at an alarm company for 6 months, and also worked as a newspaper courier in Galveston, TX. Defendant's estimated cash flow is \$1,740/month, and defendant has a retirement account valued at \$2,000.
3. Defendant is charged with sex trafficking by force in violation of 18 U.S.C. § 1591 on count 1, and possession of a firearm and ammunition in violation of 18 U.S.C. § 922 on count 2. He faces a potential penalty of not less than 10 years in prison on both counts.
4. Defendant denied owning firearms and reported no firearms are maintained at his mother's residence.
5. Defendant has suffered from substance abuse since the age of 13. At one point he abused alcohol, cannabinoids, and cocaine weekly. Defendant cannot recall the last time he had alcohol, and used cannabinoids and cocaine 6 months ago. Defendant has undergone outpatient treatment via court order as a condition of probation, but is not currently undergoing any treatment.
6. Defendant's criminal history includes detention for robbery, driving while intoxicated, and a hit and run which resulted in property damage. Defendant has been on probation for receiving stolen property, theft, vandalism, and possession and use of a controlled substance. Defendant has trespass, possession of a controlled substance, possession of unlawful paraphernalia, and driving while intoxicated charges that were dismissed.

7. Defendant currently has charges pending for possession of a controlled substance and compelling prostitution. The compelling prostitution case may be related to the alleged instant federal charges.
8. Defendant has not rebutted the statutory presumption that he poses a flight risk and a danger to the community.
9. There is no condition or combination of conditions of release which would assure the appearance of the defendant in court or the safety of the community. Detention is ordered..

Directions Regarding Detention

It is therefore ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with all court proceedings.

Signed at Houston, Texas, on February 7, 2018.


Stephen Wm Smith
United States Magistrate Judge